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3

Application Number	09/15/1999
Filing Date	7/15/1999
First Named Inventor	Edwards
Art Unit	2672
Examiner Name	D. J. Chung
Attorney Docket Number	49658.21698

ENCLOSURES (Check all that apply)

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Date	6/10/05	Reg. No.	44,393

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PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant:	Edwards	Examiner:	D. J. Chung
Serial No.:	09/353,887	Group Art Unit:	2672
Filed:	7/15/1999	Docket:	49658.21698
Title:	Graphics Processor with Texture Memory Allocation System		

REPLY BRIEF UNDER 37 CFR § 1.193(b)

Mail Stop Appeal Brief-Patents
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Dear Sir:

Pursuant to 37 CFR § 1.193(b), Applicant submits the following Reply Brief in response to Examiner's Answer mailed on May 5, 2005.

EXAMINER'S ANSWER

The Examiner maintained his position regarding the grounds for rejecting all the pending claims. The Examiner recognized that the combination of three of the references, Lentz (U.S. Pat. No. 5,886,705), Young et al. (U.S. Pat. No. 5,831,637), and Tanaka et al. (U.S. Pat. No. 5,793,376) does not disclose all the elements of the invention (¶ 2, page 7; ¶ 2, page 11; ¶ 3, page 13; ¶ 3, page 15; ¶ 2, page 17; ¶ 1, page 18) and a fourth reference (Saunders et al., U.S. Pat. No. 6,046,747, or Chimoto, U.S. Pat. No. 5,550,961) has to be used to identify missing elements in different claims, in addition to using a computer dictionary, Microsoft Press Computer Dictionary, Third Edition, to equate the texture buffer with a texture memory.

In the Answer, the Examiner removed Kobayashi et al. (U.S. Pat. No. 5,761,401) from the list of prior art used to reject claim 1, and stated that Appellant's argument for Kobayashi et al. teaches away from the invention is moot.

Finally, the Examiner cited *In re McLaughlin*, 443 F. 2d 1932, 170 USPQ 209 (CCPA 1971), as the authority for supporting the hindsight reconstruction practiced by the Examiner.

REPLY

Appellant reaffirms all the arguments presented in the previously filed Appeal Brief. Appellant further asserts that the removal of Kobayashi et al. does not moot the present appeal in any shape or form.

Firstly, Appellant submits that the removal of Kobayashi et al. does not remove the teaching to one ordinary skilled in the art. Kobayashi et al. reflects the state of art at the time of the invention and it teaches away from the invention by recommending against the use of a single texture buffer (col. 3, lines 57-60). The removal of the Kobayashi et al. reference by the Examiner is a clear indication of a hindsight construction – selectively picking teachings from some references and ignoring them in others.

Appellant notes that the U.S. Court of Customs and Patent Appeals (CCPA) has stated in its opinion, *In re McLaughlin*, which is cited by the Examiner, that “the test for combining references is not what the individual references themselves suggest but rather what the combination of disclosures taken as a whole would suggest to one of ordinary skill in the art.” (443 F. 2d at 1313). Here, Lentz discloses a text memory organization; Young et al. discloses a 3D graphics processing system; Tanaka et al. discloses a method for producing imaging data; Saunders et al. discloses a computer graphics system; Chimoto discloses an imaging processing apparatus that maps texture on polygons. Appellant submits that the teaching, which includes the now discarded Kobayashi et al., from all references, *as a whole*, would not suggest using of a single texture buffer in a graphics system with a plurality of texture processors.

Furthermore, the Examiner has not shown that one of ordinary skill in the art would look at these five references (Kobayashi et al. excluded) and obtain an inspiration to devise the present invention – namely, a graphics accelerator with a single texture buffer and a plurality of texture processors for processing graphical data, wherein the plurality of text processors retrieve text packets from the single texture buffer and each texture map is associated with a unique text packet. Clearly, the present disclosure is being improperly used to guide the suggested combination.

Moreover, by the Examiner’s own admission, the combination of Lentz, Young et al., and Tanaka et al. fails to disclose a texture packet data that has data relating to the dimensional type of its texture map (§ 2, page 7) and a texture map that is reconstructed based upon a determined dimensional type of the texture map (§ 3, page 15). The Examiner also fails to

show that one of ordinary skilled in the art would obtain an inspiration for a better graphics system when looking at Lentz, Young et al., and Tanaka et al. references, when facing the shortcomings listed above. Without the guidance of the present invention, why would one of ordinary skill in the art choose to confront these specific challenges and further consult two additional patent references to arrive at the system of the present invention?

The CAFC has stated that there must be some suggestion, teaching, or motivation to combine all the references. In re Rouffet, 149 F. 3d 1350, 1355 (Fed. Cir. 1998). The only common thread linking all five references is the present application. The present application cannot be used as a template to arbitrarily pick and choose these references and then selectively take their teaching (or reject them as with Kobayashi et al.).

CONCLUSION

For the reasons stated above, Appellant believes that the Examiner has not presented any evidence supporting the rejections and requests that all claims be allowed.

No additional fees are believed due. However, the Commissioner is hereby authorized to charge any additional fee which may be required to Deposit Account No. 50-2666.

Respectfully submitted,

Stephen W. Edwards.

By his Representatives,

Carlton Fields

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Li K. Wang
Reg. No. 44,393

Date 6/10/05.

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